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13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA — WESTERN DIVISION**

15 ERIC B. FROMER CHIROPRACTIC,
INC., a California corporation,
16 individually and as the representative of
a class of similarly-situated persons,

17 Plaintiff,

18 vs.

19 NEW YORK LIFE INSURANCE AND
20 ANNUITY CORPORATION, NYLIFE
SECURITIES LLC and JOHN DOES
21 1-10,

22 Defendants.

Case No. 2:15-cv-04767 AB (JCx)
Hon. Andre Birotte, Jr.
Ctm. 4 – Spring Street

CLASS ACTION

JOINT STATUS REPORT

[Next Report Due April 15, 2016]

Action Filed: June 24, 2015
Trial Date: None Set

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24 Plaintiff ERIC B. FROMER CHIROPRACTIC, INC. (“Fromer”) and
25 Defendant NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION,
26 NYLIFE SECURITIES LLC (“NY Life”) (collectively, the “Parties”), by and
27 through their undersigned counsel, hereby provide the Court with the following
28 Joint Status Report:

On October 19, 2015, this Court stayed the Action pending rulings by the United States Supreme Court in *Gomez v. Campbell-Ewald Co.*, 768 F.3d 871 (9th Cir. 2014) cert. granted, No. 14 857, 135 S.Ct. 2311 (U.S. May 18, 2015) and *Robins v. Spokeo, Inc.*, 742 F.3d 409 (9th Cir. 2014) cert. granted, 135 S.Ct. 1892 (U.S. Apr. 27, 2015). [See Dkt. No. 43]. The United States Supreme Court heard oral argument in *Gomez v. Campbell-Ewald Co.* on October 14, 2015 and in *Robins v. Spokeo, Inc.* on November 3, 2015. *Campbell-Ewald Co.* addresses the question of whether a putative class action case becomes moot when the defendant offers complete relief to the named plaintiff and *Spokeo, Inc.* addresses whether a plaintiff who suffers no concrete harm, but who instead alleges only a statutory violation, has standing to bring a claim on behalf of himself or a class of individuals. The Court's order granting the stay ruled that both of these cases could potentially impact threshold jurisdictional issues relevant to this Court's analysis of this case.

To date, the United States Supreme Court has yet to issue an opinion in either matter. Accordingly, pursuant to the Court's stay order, the Parties will file a supplemental report within the next 90 days, or sooner if the United States Supreme Court acts in either *Campbell-Ewald Co.* or *Spokeo, Inc.*

DATED: January 5, 2016

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1 DATED: January 5, 2016

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